



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES LASTRA,

Plaintiff,

- against -

CITY OF NEW YORK, et al.,

Defendants.
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16-CV-3088 (JGK) (RWL)

Order

ROBERT W. LEHRBURGER, United States Magistrate Judge.

On July 7, 2021, Defendants filed a letter requesting certain relief in regard to Plaintiff's failure to fulfill his obligations concerning deposition recordings and transcripts as previously ordered. (Dkt. 286.) Plaintiff has not filed a response. Having considered the matter, the Court orders as follows:

1. By July 30, 2021, Plaintiff shall provide to Defendant copies of the recordings of the depositions of Officer Edmonds and Officer Pennant.

2. The Court previously ordered that within 45 days after completion of each deposition taken by Plaintiff, Plaintiff shall provide Defendants with certified transcripts of the deposition. (Dkt. 255.) According to Defendants, Plaintiff has indicated that he does not believe he is obligated to provide Defendants with transcripts. Defendants have requested that the Court "remind" Plaintiff of his obligation in this regard. The Court hereby clarifies. As proscribed by the Federal Rules Of Civil Procedure and Federal Rules Of Evidence, Plaintiff will not be able to submit into evidence (whether for summary judgment, trial, or otherwise) any deposition testimony for which there is not a certified transcript. If Plaintiff would like to be able to offer into evidence any deposition taken by

Plaintiff, he must provide Defendants with a certified transcript of the deposition and must do so within the prescribed 45-day period. If Plaintiff does not provide a certified transcript as required, he will be precluded from offering into evidence the deposition testimony for that deponent. For example, if Defendants move for summary judgment and submit affidavits from an individual officer who was deposed by Plaintiff, Plaintiff will not be able to submit as evidence in opposition any deposition testimony of that officer unless Plaintiff has complied with his obligation to provide a certified transcript.

3. The time for Defendants to make a dispositive motion for summary judgment is extended to 30 days after the time for Plaintiff to provide certified deposition transcripts has passed.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', is written over a horizontal line.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: July 19, 2021
New York, New York

Copies transmitted this date to all parties of record via ECF.